

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH FALZONE, on behalf of himself  
and all others similarly situated,

Plaintiff,

07-CV-11146  
(LAP)

v.

GENESCO INC. and  
HAL N. PENNINGTON,

Defendants.

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff and defendants, by their undersigned counsel, as follows:

1. Defendants shall not be required to move, answer or otherwise respond to the complaint in the above-captioned action until after the Court orders the appointment of Lead Plaintiff and approves Lead Plaintiff's retention of Lead Counsel.
2. Subsequent to the Court's appointment of Lead Plaintiff and approval of Lead Plaintiff's retention of Lead Counsel, the parties shall confer and submit to the Court for approval a further stipulation setting forth the date for Lead Plaintiff to file a consolidated complaint and for Defendants to move, answer or otherwise respond to that complaint.
3. By executing this Stipulation the parties have not waived and expressly retain all rights, claims, defenses, and arguments, whether procedural, substantive or otherwise.

Dated: New York, New York  
December 27 2007

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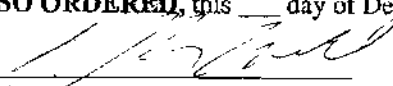
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*Attorneys for Defendant Genesco Inc.  
and Hal N. Pennington*

*3rd January, 2008*  
IT IS SO ORDERED, this \_\_\_ day of December, 2007.

  
UNITED STATES DISTRICT JUDGE

*Part I*